



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,360	04/20/2005	Pictet Jan Bolt	310.1047	1574

20311 7590 10/13/2006

LUCAS & MERCANTI, LLP  
475 PARK AVENUE SOUTH  
15TH FLOOR  
NEW YORK, NY 10016

EXAMINER
----------

LARSON, LOWELL A

ART UNIT	PAPER NUMBER
----------	--------------

3725

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/532,360

Applicant(s)

BOLT ET AL.

Examiner

Lowell A. Larson

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 to 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 to 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Specification***

2. The disclosure is objected to because of the following informalities: Reference to the claims for disclosure on page 2, line 22, page 4, lines 6 and 21, and page 5, lines 13 and 27, is improper.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. Claims 1 to 4 and 7 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Kergen for the reasons set forth in Paragraph 4 of the last Office action (paper mailed May 10, 2006).

Applicant's remarks in the response filed September 11, 2006 have been carefully considered but are not found to be persuasive. In particular, Applicant believes that Kergen does not suggest controlling the downholder of a deep drawing die on the basis of a predetermined thickness trend of the edge of the blank, and/or a value derived from the thickness trend, as required by these claims. This is not persuasive because Kergen clearly discloses regulation of the downholder force based on detection of the increase of the opening of the workholder, i.e., the thickness trend of the material, to a point, i.e. critical value, at which crinkling of the material begins. Such regulation is clearly "on the basis of a predetermined thickness trend", as recited in Claim 1. It is noted that the critical value of the "predetermined thickness trend" disclosed by

Applicant is the point III of the workholder opening in the graph of Figure 3, which is disclosed as being the point that indicates wrinkle formation. See page 10, lines 5 to 10 of the specification.

Additionally, Applicant's characterization of Kergen that every increase of the material thickness would indicate that wrinkle formation has begun to occur is found to be erroneous. Kergen clearly states in column 5, lines 3 to 9, that the regulation logic is based on the thickness measurement at which crinkles appear, i.e., the measurement corresponding to point III in Figure 3 of the application.

Thus, it is clear that Kergen discloses workholder force regulation in the manner required by these claims.

4. Claims 5 and 6 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Kergen and Cao et al. for the reasons set forth in Paragraph 5 of the last Office action.

Applicant has not advanced separate arguments regarding these dependent claims.

#### ***Claim Rejections - 35 USC § 102***

5. Claims 8 to 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kergen for the reasons set forth in Paragraph 7 of the last Office action.

Applicant's remarks in the response filed September 11, 2006 are not found to be persuasive. Control in agreement with a downholder opening trend, as recited in these claims, does not distinguish over the control based on the measurement of the workholder opening at the time crinkles appear disclosed by Kergen.

***Conclusion***

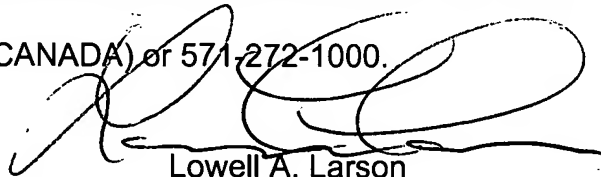
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lowell A. Larson whose telephone number is (571) 272-4519. The examiner can normally be reached from M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lowell A. Larson', is written over a horizontal line.

Lowell A. Larson  
Primary Examiner  
Art Unit 3725

LAL  
October 11, 2006